



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

JUNE 10, 2019

9:30

Calendar No. 19-96:

17906 Canterbury Rd.

Ward 8

Michael D. Polensek

11 Notices

James P. Muhic, owner, proposes to erect a 1,080 square foot addition to existing single family residence located on a 9,000 square foot lot in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that in a Two-Family District no interior side yard shall be less than five feet in width for a corner lot, nor less than three feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than (10) ten feet. However, the width of any such interior side yard shall in no case be less than one-fourth the height of the main building on the premises. The building height is approximately 16 feet thus the required side yard is 4 feet and the proposed interior side yard is 6 inches(measured at building gutter fascia board)
2. Section 357.08(b)(1) which states that the depth of the required rear yard shall not be less than 20 feet and a 9 foot rear yard is proposed (Filed May 7, 2019).

9:30

Calendar No. 19-97 :

805 Brayton Ave.

Ward 3

Kerry McCormack

10 Notices

IRA Plan Partners, owner, proposes to erect a two story frame single family residence with a 20' x 20' detached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the maximum gross floor area shall not exceed 50 percent of lot size or in this case 1,875 square feet; the appellant is proposing 2,269 square feet.
2. Section 357.09 (b)(2)(A) which states that a building shall not be less than 10 feet from building on adjacent lot; and the appellant is proposing 6 feet.
3. Section 357.09(b)(2)(B) which states that the required interior side yard shall not be less than one fourth the height of the building or in this case 6.65 feet and the appellant is proposing 3 feet.
4. Section 357.13(b)(1) which states that the roof canopy shall not project less than 10 feet from property line; and the appellant is proposing 1 foot.
5. Section 357.13(4) which states that front porches shall not be less than 10 feet from property line and the appellant is proposing 1 foot.
6. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed May 7, 2019).

9:30

Calendar No. 19-098:

3365 Rocky River/Illicit

Ward 17

**Discharge/Water Pollution Control Martin J. Keane
Violation Notice**

Laura and Wilbur Janosko, owners, appeal under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the Commissioner of the City of Cleveland's Division of Water Pollution Control to issue a Notice of Violation which states that the homeowner has failed to comply with section 541.11(a)(8) Cleveland Codified Ordinance Section regarding illicit discharge at 3365 Rocky River Drive(Filed May 7, 2019).

9:30

Calendar No. 19-99:

6214 Lausche Ave.

Ward 7

**Basheer S. Jones
11 Notices**

St. Martin de Porres High School, owner, proposes to build a parking lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.09 which states that where lighting is provided for accessory off-street parking spaces, it shall be constructed and arranged so as to prevent the direct emission of light upon adjoining lots or the public streets.
2. Section 349.13 which states that *the* Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a Residence District, other than a Limited One- Family District, for a parking lot when the best interests of the community will be served, and provided that:
 - (1)The lot is to be used only for the parking of passenger automobiles of employees, customers or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance;
 - (2)No charge is to be made for parking on the lot;
 - (3)The lot is not to be used for sales, repair work or servicing of any kind;
 - (4)Entrance to and exit from the lot are to be located so as to do the least harm to the Residence District;
 - (5)No advertising sign or material is to be located on the lot;
 - (6)All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board;
 - (7)The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, sightly fence or wall not less than four (4) feet six (6) inches high and not more than five (5) feet high located back of the setback building line. All lighting is to be arranged so that there will be no glare that is annoying to the occupants of adjoining property in a Residence District, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained;
 - (8)The building permit number under which the lot is established is to be posted;
 - (9)Such other and further conditions may be imposed as the Board may deem necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located.(Filed May 8, 2019).

9:30

Calendar No. 19-102:

1400 Brookpark Rd.

Ward 13

Kevin J. Kelley

7 Notices

Blue Stone 1400 LLC., owner, proposes to change use of machine shop to an auto dealership and repair shop in a B3 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that 25% of the gross lot area must be reserved for customer parking. No designated customer parking spaces are proposed.
2. Section 352.10 which states that a 6 foot wide landscape strip is required along Brookpark Rd., where parking abuts street and a 4 foot wide landscape where auto sales abuts public streets (Filed May 8, 2019).

9:30

Calendar No. 19-104:

**11127 Mt. Carmel Rd./Waste
Collection Ticket**

Ward 6

Blaine A. Griffin

Greeners Inc., appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of the hearing examiner in Parking Violations Bureau on May 1, 2019 concerning the City of Cleveland Waste Collection issuance of Civil Infraction Ticket Number WC40082273 issued January 15, 2019 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances (Filed May 13, 2019)

POSTPONED FROM APRIL 29, 2019

9:30

Calendar No. 19-055:

**3381 Rocky River/Illicit
Discharge/Water Pollution Control
Violation Notice**

Ward 17

Martin J. Keane

Koussa Properties, LTD., owners, appeal under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the Commissioner of the City of Cleveland's Division of Water Pollution Control to issue a Notice of Violation which states that the homeowner has failed to comply with section 541.1(a)(8) Cleveland Codified Ordinance Section regarding illicit discharge at 3381 Rocky River Drive (Filed March 27, 2019-No Testimony). *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR TIME FOR FURTHER REVIEW.*

POSTPONED FROM MAY 6, 2019

9:30

Calendar No. 19-47:

6007 Ellen Ave.

Ward 15

Matt Zone

11 Notices

Petru Stinea, owner, proposes to erect an 11' x 20' one story aluminum carport/patio to an existing single family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that all parking spaces shall be located on the rear half of the lot (35 feet back)
2. Section 349.05(a) which states that no parking shall be located within 10 feet of any wall of a residential building that contains ground floor windows.

3. Section 357.09(b)(2)(B) which states that the required interior side yard is 3 feet and the appellant is proposing 2 feet 7 inches. (Filed March 22, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE LANDMARKS COMMISSION TO ALLOW FOR FURTHER REVIEW.*

POSTPONED FROM MAY 13, 2019

9:30

Calendar No. 19-67:

8217 Korman Avenue

Ward 9

Kevin Conwell

17 Notices

Darcia Lumpkin, owner, proposes to establish use as a Type A daycare in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 337.02(g)(3)(c) which states that childcare use in a One or Two Family Residential District is permitted if located not less than 30 feet from any adjoining premises in a residential district and subject to the review and approval of the Board of Zoning Appeals. (Filed April 12, 2019-Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE BOARD TO ALLOW FOR TIME FOR APPELLANT TO REVISE PLANS*

POSTPONED FROM MAY 13, 2019

9:30

Calendar No. 19-71:

2905 Franklin Boulevard

Ward 3

Kerry McCormack

32 Notices

BZSAM 111, LLC. , owner, proposes to change use from office to 33 apartments in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that apartment use is not permitted in a Two-Family Residential District.
2. Section 357.08(b)(3) which states that a 20' minimum rear yard is required and a part of the building is in rear setback.
3. Section 357.09(b)(2)(C) which states that the required interior side yard is 7 feet (1/4 of the height of the building) and a 5.75 feet interior side yard is proposed.
4. Section 359.01(a) which states that substitution of nonconforming use requires Board of Zoning Appeals approval. (Filed April 16, 2019-No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW TIME FOR FURTHER REVIEW.*